

SOUTH DAKOTA COSMETOLOGY COMMISSION

Minutes

May 13, 2003

The regular meeting of the Cosmetology Commission was called to order by President Jacquelyn Dahlquist on Tuesday, May 13, 2003, at 8:00 a.m. in the Cosmetology office, Pierre, South Dakota.

Roll call was taken by Secretary/Treasurer Pat Nelson, with the following members present: Jacquelyn Dahlquist, Pat Nelson, Ila Davis, Lois Porch, and Dorothy Johnson. Staff present: Susan Monge, Executive Director. Also, present: Marcia Hultman, Department of Labor; Dr. John Carr, SD Board of Chiropractic Examiners, Miller; Deb Mortenson, SD Chiropractic Association, Hayes; and Lois Wiskur, salon owner, Pierre.

Public Hearing

Dahlquist called the public hearing to order at 8:05 a.m. (see attachment #1 for public hearing minutes)

Dahlquist reconvened the regular meeting at 8:50 a.m.

Minutes

A MOTION WAS MADE by Dorothy Johnson, seconded by Lois Porch, to accept the minutes of March 24, 2003. The motion passed.

Treasurer's Report

Pat Nelson reported that as of 4/30/03 the cash center balance was \$144,203.09, and the budget remaining for FY03 was \$32,484.86.

A MOTION WAS MADE by Lois Porch, seconded by Dorothy Johnson, to approve the Treasurer's report. The motion passed.

Executive Director's Report

Susan Monge reported on a number of issues (attachment #2.)

The NIC examiner training has been set for Saturday, July 19, 2003, and Sunday, July 20, 2003 in the commission office in Pierre. The three cosmetology commissioners, five inspectors, and Monge will attend the training.

Old Business

Apprentice reports

Update on Current Apprenticeships (See attachment #3)

The Commission stated that they will not approve the start of any new apprenticeships until the apprenticeship rules are updated.

Proposed rule changes

The commission reviewed the testimony from the public hearing and discussed the comments/questions/concerns raised by the participants.

Comments were reviewed from Jean Ann Hentges, Stewart Schools, Sioux Falls.

A MOTION WAS MADE by Lois Porch, seconded by Pat Nelson, to change 20:42:01:01(6) to read "Epidermis," the outermost layer of skin. The motion passed.

A MOTION WAS MADE by Ila Davis, seconded by Dorothy Johnson, to add nail technology, or esthetics before cosmetology in 20:42:03:12. The motion passed.

Comments and questions were reviewed from the Legislative Research staff.

A MOTION WAS MADE by Pat Nelson, seconded by Ila Davis, to approve the form and style changes suggested by the Legislative Research staff and to drop "light and" from 20:42:04:01(3) and 20:42:06:19(5); to drop the last sentence in 20:42:04:02.01; to change 20:42:04:05(1) to read "sufficient combs or brushes so that a clean and sanitary comb or brush is used on each client"; to change 20:42:04:05.01(15)(c) to read "The exterior must be kept clean of crystal dust, and the filters changed as necessary;"; to add "in or near first aid kit" to 20:42:04:10.01; to add "for approval the school must complete a field trip form and attach a lesson plan" to 20:42:06:17; and change the Chapter heading 20:42:08 to "Instructor Education and Advanced Practices Education Requirements". The motion passed.

Comments and questions were reviewed from Lois Wiskur.

A MOTION WAS MADE by Ila Davis, seconded by Dorothy Johnson, to change 20:42:03:06. 01(1) to read "An applicant for a cosmetology license by reciprocity who holds a current license from another state may be allowed a maximum of 1,200 hours of credit for actual work experience toward the school hours requirements of hours of education required in 20:42:06:09. Two hours of actual work experience equals one hour of school education. The hours of experience must be within the last five years"; to change 20:42:03:06.01(2) to read "An applicant for a nail technician license by reciprocity who holds a current license from another state may be allowed a maximum of 200 hours of credit for actual experience toward the school hours requirements of hours of education required in 20:42:06:09.01. Two hours of actual work experience equals one hour of school education. The hours of experience must be within the last five years."; and to change 20:42:03:06.01(2) to read "An applicant for an esthetician license by reciprocity who holds a current license from another state may be allowed a maximum of 500 hours of credit for actual work experience toward the school hours requirements of hours of education required in 20:42:06:09.02.

Two hours of actual work experience equals one hour of school education. The hours of experience must be within the last five years". The motion passed.

A MOTION WAS MADE by Pat Nelson, seconded by Lois Porch, to drop "one protective covering for each enrolled student" from 20:42:06:01(6). The motion passed.

A MOTION WAS MADE by Ila Davis, seconded by Dorothy Johnson, to change "basins" to "foot bath" in 20:42:06:01.03(3). The motion passed.

Comments and questions were reviewed from Dr. John Carr. The use of the word manipulation and the opposition of the chiropractic board was discussed. The Commission decided to keep the cosmetology definition of manipulation in the rules since it is used in cosmetology language to describe a cosmetology practice, and it is used in the cosmetology textbooks and tests. The Commission felt that the word is not exclusive to the chiropractors only the chiropractic definition of manipulation is exclusive. The cosmetology definition of manipulation is different from the chiropractic definition. Manipulation is not part of the chiropractic code only part of their rules. Many other boards and agencies use the word manipulation in their code and rules.

A MOTION WAS MADE by Pat Nelson, seconded by Ila Davis, to change "be on" to "include" and change "cosmetic" to "cosmetology" in 20:42:03:06.03(2). The motion passed.

A MOTION WAS MADE by Lois Porch, seconded by Pat Nelson, to delete "with a comedone extractor and a sebum extractor" from 20:42:06:01.02(4). The motion passed.

A MOTION WAS MADE by Dorothy Johnson, seconded by Pat Nelson, to approve the acceptance of the proposed rules with all the approved changes. The motion passed.

NIC Annual Meeting

Monge distributed the draft agenda for the NIC annual meeting. Dahlquist, Davis, and Monge are scheduled to attend. The travel request will be sent to the Department Secretary for approval in June.

Instructors Seminar

The contract with Milady training has been started. The cost of the contract is \$2700 for a speaker for a two-day program.

New Business

NIC Examination Changes

The Commission discussed changes to the NIC cosmetology practical examination.

A MOTION WAS MADE by Lois Porch, seconded by Ila Davis, to drop the Blow Dry Styling and Shaping and Pin Curl Placement sections and to adopt the Facial and Manicure sections. The motion passed.

A MOTION WAS MADE by Ila Davis, seconded by Lois Porch, to implement the NIC cosmetologist practical test changes in September boards. The motion passed.

Monge will work on the updated cosmetologist Candidate Information Brochure (CIB). This brochure will be sent to all applicants and schools.

Johnson discussed updating the state laws/rules test in regards to the changes to the laws and rules. The test will be designed so the same test will be taken by cosmetologists, nail technicians, and estheticians. There will not be separate laws/rules tests for each profession.

The decision was made to start the updated state laws/rules test at the November boards. The new law/rules books will be sent to the schools as soon as they are printed in July. Any candidates involved with the November state boards will be sent a copy of the books with a notice that the test has changed.

NIC Esthetics Examination

A MOTION WAS MADE by Pat Nelson, seconded by Lois Porch, to adopt and require the NIC esthetician theory and esthetician practical examinations for the esthetics licensure. The motion passed.

A MOTION WAS MADE by Lois Porch, seconded by Ila Davis, to require all esthetics license applicants to take and pass at 75% the NIC written test, the NIC practical test, and the South Dakota laws/rules test. The motion passed.

A MOTION WAS MADE by Lois Porch, seconded by Dorothy Johnson, to start the esthetics test at the November state boards. The motion passed.

Procedure Changes

Monge stated that numerous forms would change due to the new laws or rules. Johnson and Davis have reviewed the new forms. These will be started July 1, 2003.

Curriculum Changes

The curriculum and the number of hours per section will be changed in the new rules. The Commission discussed how and when to implement these changes.

A MOTION WAS MADE by Lois Porch, seconded by Ila Davis, to require all students starting or restarting in a school after June 30, 2003 to start the new curriculum requirements, and to require any

currently enrolled students who have not graduated by January 1, 2004 to graduate with the new curriculum requirements. The motion passed.

Request for Booth Rental - Pierce

Letters were received from Colleen Pierce and Clancy Pierce of Deadwood and Becky Ruff of Lead. The request was to allow Colleen Pierce, cosmetologist manager to rent a booth and then Colleen would have her daughter, Clancy, a cosmetologist work in the booth. Becky Ruff, the salon owner, has volunteered to supervise Clancy when Colleen is not present.

The Commission reviewed the letters, asked questions of Monge, and discussed the issue. The Commission made the following statements: a booth is a salon within a salon; a booth is an independent salon; a booth licensee must have a manager license; a salon/booth shall be under the supervision of a manager; a cosmetologist, nail technician and esthetician must be supervised by the manager licensee on the premises at all times; and the salon/booth licensee must follow all rules and regulations for safety and sanitation.

Field Trips- Headlines Academy

A MOTION WAS MADE by Dorothy Johnson, seconded by Ila Davis, to approved the submitted field trips planned by Headlines Academy. The motion passed.

Medical and Paramedical Esthetician Titles

The Commission discussed the use of medical and paramedical esthetician titles in South Dakota.

A MOTION WAS MADE by Ila Davis, seconded by Lois Porch, to adopt the following interpretations of the cosmetology laws:

That the cosmetology law does not define or recognize medical esthetician or paramedical esthetician titles. Starting July 1, 2003 the law will recognize only esthetician and esthetician manager titles in South Dakota and these must be licensed by the Commission. Any use of the title esthetics, no matter what is placed in front or behind, must be licensed by the Commission;

That if a person is practicing esthetics services for beautification purposes, then that person must be licensed by the Commission. Presently that is a cosmetologist license. After July 1, 2003, it will be either a cosmetologist license or esthetician license;

That after July 1, 2003 the following professions are exempt from the cosmetology law when exclusively engaged in the practice of their respective professions: physicians, physician assistants, nurses, podiatrists, chiropractors, physical therapists, occupational therapists, morticians, barbers;

That esthetics services are only practiced in a licensed salon unless exempt under SDCL 36-15-54;

That a licensed cosmetologist or esthetician may perform skincare services for purposes of beautification in a medical office or medical spa where there is a salon license issued by the Commission. The licensed cosmetologist or esthetician's scope of practice is very specific and limited to non-invasive, non-medical procedures working in a medical office under the direct

supervision of a physician does not alter the scope of the license. The cosmetologist and esthetician cannot perform medical procedures and is not a medical professional;

That if a medical facility does obtain a salon license, then the facility would need to designate what rooms or physical areas fall under the salon license. The licensed esthetician can provide beautification services only in the designated salon areas.

The motion passed.

Retake Tests

The Commission discussed limiting the number of times a person may retake a failed tests. The issue was tabled until the next meeting.


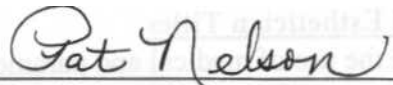
Next Meeting and State Boards

The next meeting and state board examinations are scheduled for July 21-22, 2003.

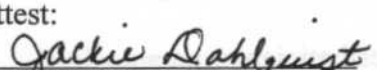

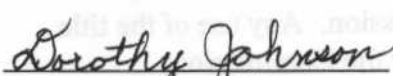

Adjournment

A MOTION WAS MADE by Dorothy Johnson, seconded by Ila Davis, to adjourn. The motion passed. The meeting adjourned at 12:05 p.m.

Respectfully submitted by:


Susan Monge, Recording Secretary and 
Pat Nelson, Secretary/Treasurer

Attest:


Jackie Dahlquist, President 
Ila Davis, Vice-President

Dorothy Johnson, Member 
Lois Porch, Member

Executive Director's Report - May 13, 2003

Attachment #2

1. The Cosmetology Commission started reporting to the Department of Labor on April 17, 2003. Details for accounting, etc., are still being worked out.
2. Jackie Dahlquist was reappointed to the commission until April 2007.
3. The NIC training program has been set for July 19 and 20th in Pierre. The start time is noon on Saturday. NIC has reorganized its examiner training.
4. Legal services contracts are now being reviewed by the Bureau of Administration. All new legal contracts are on hold at this time.

Apprentice report - May 13, 2003

Attachment #3

Current Apprenticeships

Salon 5th Ave in Belle Fourche with Denise Horman. Apprentice Kari Pearson has completed her apprenticeship on April 26, 2003. All apprenticeships are now completed at this salon.

Future Look Salon in Yankton with Colleen Vornhagen. The apprentice is progressing satisfactorily. The inspection reports show no problems. The start date was 3/11/02 for Tramp. Tentative ending date is 9/19/03.

SOUTH DAKOTA COSMETOLOGY COMMISSION MINUTES OF PUBLIC HEARING

The Cosmetology Commission convened at 8:05 a.m. on Tuesday, May 13, 2003, in the Commission office, Pierre, South Dakota.

The purpose of the meeting was to conduct a public hearing on the proposed rules of the commission numbered § 20:42:01:01, 20:42:02:03 to 20:42:02:06, 20:42:02:08, 20:42:02:11, 20:42:02:13, 20:42:02:16, 20:42:03:01 to 20:42:03:04, 20:42:03:06 to 20:42:03:09, 20:42:03:12, 20:42:04:01 to 20:42:04:18, 20:42:05:01, 20:42:05:04, 20:42:06:01 to 20:42:06:02, 20:42:06:05 to 20:42:06:14, 20:42:06:16 to 20:42:06:33, 20:42:07:01 to 20:42:07:03, 20:42:07:05 to 20:42:07:07.01, 20:42:07:09 to 20:42:07:11 and 20:42:08:01 to 20:42:08:07, inclusive.

Hearing Officer: Jackie Dahlquist, President, Rapid City, South Dakota.

Members of the Commission in Attendance: Jackie Dahlquist, Ila Davis, Lois Porch, Dorothy Johnson, and Pat Nelson.

Others in Attendance: Susan Monge, Cosmetology Commission executive director, Pierre; Lois Wiskur, salon owner, National Cosmetology Association of South Dakota, Milady's cosmetology textbooks contributing editor, Pierre; Dr. John S. Carr, SD Board of Chiropractic Examiners (SDBCE) and SD Chiropractic Association (SDCA), Miller; Deb Mortenson, SD Chiropractic Association, Hayes; and Marcia Hultman, Department of Labor, Pierre.

Oral testimony was allowed first upon request of John Carr.

Oral Testimony

Dr. John Carr presented testimony from the SDBCE and SDCA in opposition to the use of the word manipulation/manipulating in the new proposed rules governing the cosmetologist and estheticians in the State of South Dakota. (See attachment #1 for full written remarks.)

Deb Mortenson stated there was a health and human services ruling about the appropriateness of manipulation in the Medicare program, and that twelve different states

have adopted laws that define chiropractic manipulation as uniquely chiropractic to set it apart from others.

The Commission stated that the words "manipulating/manipulation" has been in the cosmetology statutes since 1927. The textbooks and cosmetology tests deal with manipulation. Other boards and state agencies use the words manipulation or manipulating. The Commission's use of manipulating/manipulation is specifically for cosmetic services. Our proposed definition specifically states manipulating/manipulation cannot be used for the treatment of disease or physical or mental ailments which should not conflict with the chiropractic definition.

The Commission asked questions to clarify Dr. Carr's statements.

Jackie Dahlquist asked if manipulation was defined in law or rule for the chiropractors? Dr. Carr replied that he thought it was defined in law and that it was clearly defined in rule.

Jackie Dahlquist stated that we did not find manipulation under the chiropractic law. She also stated that numerous other boards and agencies used the word manipulation in laws and rules, and that the word manipulation is in our textbooks and testing.

Jackie Dahlquist asked how many violations of your definition of chiropractic manipulation have your board had by cosmetologists? Dr. Carr stated that he did not know of any.

Dr. John Carr stated our usage of manipulation is closer to the definition of massage. He suggested that perhaps we should use massage as a word.

Ila Davis stated that the cosmetology textbooks that the schools use have been currently revised and use the word manipulation to describe the cosmetology practices.

Lois Wiskur testified that the school fees should be raised; that the number of hours for work credit requirements for reciprocity applicants be expanded to at least 1000 hours; that protective clothing required for students should be clarified; that basin in 20:42:06:01.03(3) should be changed to foot bath; and that the hours allowed for field trips should be increased to a maximum of 32 hours a year. Wiskur stated she supports the proposed cosmetology definition of manipulation. She pointed out that the word manipulation has been used by the cosmetology field for many years. It is used specifically for beauty and cosmetic procedures, not for medical. Manipulations are used by barbers and other professions. She felt that clients would not confuse what manipulations a cosmetologist can do compared to a chiropractic manipulation.

Written Testimony

Susan Monge stated that comments were received from Legislative Research Center staff, a letter from the South Dakota Board of Chiropractic Examiners (attachment #2), a letter

from the South Dakota Chiropractors Association (attachment #3). Informal comments were received from Jean Ann Hentges, Stewart School of Hairstyling, Sioux Falls. The letters were sent to the board prior to the meeting.

Dahlquist stated that anyone wishing copies of the minutes of the commission meetings, copies of the letter entered at exhibits, or notices of commission meetings could call or write the Cosmetology Commission.

Respectfully submitted,

A handwritten signature in dark ink, reading "Susan K. Monge", is written over a horizontal line. The signature is fluid and cursive.

Susan K. Monge
Executive Director
Cosmetology Commission

Adjournment: 8:35 a.m.

CARR CHIROPRACTIC CLINICS, PC

- DR. E.W. CARR
- DR. JOHN S. CARR
- DR. LARRY NICKELSON
- DR. WAYNE H. CARR
- DR. JOSEPH N. CARR
- DR. JONATHAN R. SCHNEIDER
- DR. SCOTT J. HARTUNG

May 13, 2003

To: South Dakota Cosmetology Commission

RE: Proposed Rules

My name is Dr. John S. Carr. I am a chiropractic physician practicing in Miller, South Dakota. I was the past president of the South Dakota Board of Chiropractic Examiners (SDBCE) and am currently a member of the South Dakota Chiropractors Association (SDCA). I have been asked by the SDBCE and the SDCA to present testimony in opposition to the use of the word manipulation/manipulating in the new proposed rules governing the cosmetologist and estheticians in the State of South Dakota.

It is our opinion that this usage of the word manipulation in the proposed law is used incorrectly and may cause confusion to the public as to the scope of licensure of the cosmetologist/esthetician. We also feel that the usage of manipulation under the proposed rule **20:42:01:01** for definitions is improper. We submit to your commission the true definition of the word manipulation and feel this clearly defines a skilled procedure where proper diagnostic and clinical skills must be obtained prior to the performance of a manipulative task. The initial need for a definition to be put into rules by the chiropractic profession stemmed from the amount of complaints and concerns presented to the SDBCE. Many unqualified practitioners and persons were illegally performing the manipulative procedure without the needed educational and licensure qualifications to perform such an act safely to the public. So it was out of concern for the public safety that the definition was initially written.

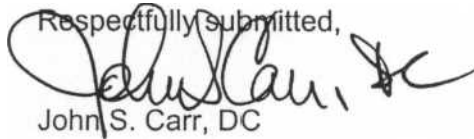
We feel if the cosmetology rules remain as written this not only confuses the public on the procedures performed by a cosmetologist/esthetician, but also leaves open the possibility of a cosmetologist or esthetician to perform a manipulative procedure that is outside of their scope of licensure.

We, the SDBCE and the SDCA, strongly request that you replace the word "manipulation/manipulating" with the term "massage" in the proposed rules. We feel this more clearly defines the procedures performed by a cosmetologist/esthetician.

I submit to you for your records a copy of my testimony heard before this commission on this 13th day of May, 2003 along with copies of letters written by Dr. Thomas D. Stotz, president of the SDBCE and Dr. Allen Unruh, president of the SDCA. I am also including a copy of the definition of manipulation as written in the definitions under the South Dakota Chiropractors rule and regulations **20:41:01:02**.

Thank you for your time and I hope that this commission will see fit to replace the manipulation language with massage. With this suggested change, the SDBCE and SDCA would not see any further problems with the proposed rules.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John S. Carr, DC", with a stylized flourish at the end.

John S. Carr, DC

JSC/lf

ATTACHMENT #1

(5) "Negative peer review," any review by the chiropractic peer review committee of chiropractic service which does not conform to the standards as set forth in §§ 20:41:09:01 and 20:41:14:07;

(6) "Scope of practice," diagnostic procedures and chiropractic therapeutics as taught in approved chiropractic schools, as defined by § 20:41:04:01, but within the limitations and privileges of SDCL 36-5-1 and 36-5-15.

Source: 1 SDR 24, effective August 28, 1974; 2 SDR 63, effective April 12, 1976; 12 SDR 11.7, effective January 19, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 19 SDR 121, effective February 21, 1993; 28 SDR 88, effective December 23, 2001.

General Authority: SDCL 36-5-4, 36-5-15.2.

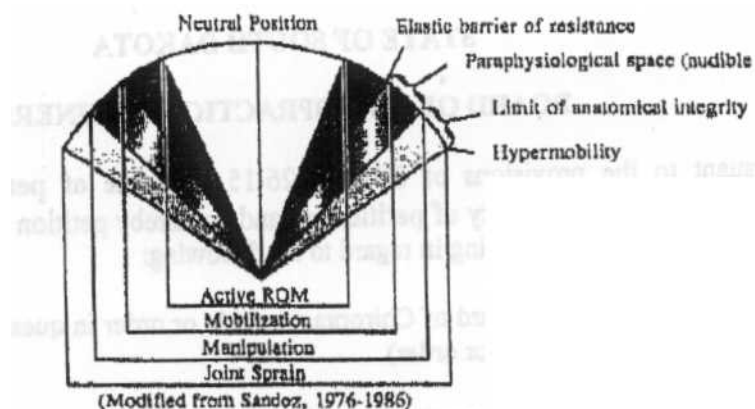
Law Implemented: SDCL 36-5-1, 36-5-3, 36-5-4, 36-5-15, 36-5-19, 36-5-20, 36-5-21.

20:41:01:02. Manipulation/mobilization -- Manipulation/adjustment. For the purposes of this article "manipulation/mobilization" is an externally applied mechanical measure. "Manipulation/adjustment" of a joint is defined as a passively applied movement of low amplitude and low or high-velocity thrust which moves the joint into the paraphysiological range. Manipulation is a passive dynamic thrust that causes cavitation or gapping and attempts to restore the manipulated joint's range of motion and neurophysiological function. Manipulation commences where mobilization ends.

Mobilization is a non-thrust, manual therapy. It involves passive movement of a joint within its physiologic range of motion. This is approximately equivalent of the normal range of motion a joint can be taken through by intrinsic musculature. Active range of motion is motion which patients can accomplish by themselves. Mobilization is passive movement within the physiologic joint space administered by a clinician for the purpose of increasing overall range of joint motion.

Figure 1 graphically demonstrates the varying degrees of motion between the two techniques, and their specific classifications.

Figure .X, The Four Stage-4 of Range of Movement in Diarthroidal Joints



- Stage 1 The active range of movement (motion produced by muscular action).
- Stage 2 The passive range of movement (motion produced by traction or springing the joint-- Joint play, up to the elastic barrier of resistance). Characterizes mobilization.
- Stage 3 The paraphysiological range of movement (motion beyond the elastic barrier of resistance up to the limit of anatomical integrity produced by manipulation/adjustment and frequently accompanied by an audible release). Characterizes manipulation/adjustment.
- Stage 4 The pathological movement (motion beyond the limit of normal anatomical integrity, which damages ligaments and capsule, resulting in joint hypermobility). Manipulation/adjustment that is too forceful may move the joint beyond the limit of anatomical integrity, creating or perpetuating joint instability.

Source: 28 SDR 88, effective December 23, 2001.

General Authority: SDCL 36-5-1, 36-5-4, 36-5-15.2(1)(3).

Law Implemented: SDCL 36-5-1, 36-5-4, 36-5-15.2(1)(3).

Reference: Meridel 1. Gatterman, "**Complications of and Contraindications to Spinal Manipulative Therapy**," chap. 4 in *Chiropractic Management of Spine Related Disorders*, ed. Meridel 1. Gatterman (Baltimore; Williams & Wilkins, 1990), 49, fig. 3.1.

CHAPTER 20:41:02

DECLARATORY RULINGS

Section

- 20:41:02:01 Petition for declaratory ruling.
- 20:41:02:02 Action on petition.
- 20:41:02:03 Meetings.

20:41:02:01. Petition for declaratory ruling. Any person wishing the board, or the ethics committee, to issue its ruling as to the applicability to that person of any statutory provision or rule or order of the board may file with the board a petition in substantially the following form:

STATE OF SOUTH DAKOTA

BOARD OF CHIROPRACTIC EXAMINERS

Pursuant to the provisions of SDCL 1-26-15, I **(name of petitioner)**, of **(address of petitioner)**, **am (title or capacity of petitioner)**, and do hereby petition the Board of Chiropractic Examiners for its declaratory ruling in regard to the following:

1. The state statute or Board of Chiropractors rule or order in question is: (Here identify and quote the pertinent statute, rule, or order).
2. The facts and circumstances which give rise to the issue to be answered by the board's declaratory ruling are:



DEPARTMENT OF HEALTH
SOUTH DAKOTA BOARD OF CHIROPRACTIC EXAMINERS

2603 Ella Lane • Yankton, South Dakota 57078

phone/fax 605-668-9017 • e-mail: sdbce@mchsi.com • website: www.state.sd.us/dcr/chiropractic

April 29, 2003

Susan K. Monge, Executive Director
Cosmetology Commission
500 E. Capitol
Pierre, SD 57501

RE: Proposed Rules

Dear Ms. Monge:

On Saturday, April 10, 2003 the South Dakota Board of Chiropractic Examiners met in Sioux Falls. One item of discussion was the proposed language in your bill referring to manipulation.

Please know that this board has serious concerns regarding the cosmetologist's reference to manipulation in any of your rules. Manipulation has been defined in ARSD 20:41:01:02 and it is this board's intention that it remain the only definition for manipulation. In the event that you elect to leave the "manipulation" terminology in your rules, please be advised that this will be actively opposed by our board and profession.

I would be most happy to discuss this issue with you at any time.

Respectfully submitted,

Thomas D. Stotz DC
Thomas D. Stotz, DC, DABCO *(mwy)*

President
South Dakota Board of Chiropractic Examiners

TS:mw

cc: Deb Mortenson / SDCA

Thomas D. Stotz D.C. DABCO
President

Brad K. Schmidt D.C.
Vice President

Robin R. Lacy D.C.
Secretary/Treasurer

Donn J. Fahrendorf D.C.
Board Member

Mike Myers
Lay Member

Marcia Walter
Executive Secretary



Dr. Allen Unruh
President

Chiropractic - the drug-free, non-surgical approach to healthcare.

May 1, 2003

Susan K. Monge, Executive Director
Cosmetology Commission
500 East Capitol
Pierre, SD 57501

Dear Ms. Monge,

Thank you for asking for our input on your proposed administrative rules.

I am writing to express my concern regarding your proposed use of the word "manipulation." On behalf of licensed doctors of chiropractic across the state, I encourage you to select another word, since manipulation is already described as uniquely chiropractic in ARSD 20:41:01:02.

Might I suggest that you use a word like "massage" instead. It is a more accurate description for your definitions.

Again, thank you for the opportunity to provide input.

Sincerely,

Allen D. Unruh, D.C.
President
South Dakota Chiropractors' Association